

REMARKS

Claims 1-5 were examined and reported in the Office Action. Claims 1-5 are rejected. Claim 1 is amended. Claims 1-5 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. § 102(e)

It is asserted in the Office Action that claims 1-3 are rejected under 35 U.S.C. § 102(e), as being anticipated by U. S. Patent No. 6,807,235 issued to Yano et al ("Yano"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131,

'[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Applicant's amended claim 1 contains the limitations of

[a] method for recognizing a request for data transmission by a mobile/base station RRC (Radio Resource Control) using a network transfer device, by which the mobile/base station RRC can recognize the request for data transmission using the network transfer device in a state where recognition of the request for data transmission is disabled, the method comprising: (a) the mobile/base station RRC setting the network transfer device in a suspend state to recognize a request for data transmission from an up/down link; (b) the network transfer device in the suspend state sending a message to the mobile/base station RRC to inform the mobile station RRC that it recognizes the request for data transmission in the case of recognizing the request for data transmission to an up link, and the network transfer device of the

base station in the suspend state sending a message to the base station RRC to inform the mobile station RRC that it recognizes the request for data transmission in the case of recognizing the request for data transmission to a down link; (c) the mobile/base station RRC recognizing the request for data transmission according to a received message from the network transfer device and transiting to an active state; and (d) the network transfer device transiting to the active state by the RRC transited to the active state.

In other words, Applicant's claimed invention comprises a method where a network transfer device (RLC, PDCP) transits to a suspend state by the RRC in order that a mobile/base station can be transited easily to an active state when a traffic request is generated again after traffic transmission is interrupted during wireless Internet service. If the network transfer device recognizes a request for data transmission, the network transfer device reports it to a mobile station RRC or base station RRC, and then the RRC received the reports and the network transfer device transits to an active state.

In contrast, in Yano a transceiver and receiver do not use state transit messages for controlling a clock control part or power control part. Yano discloses that the receiver watches whether a frame includes user data or not, and controls the clock control part or power control part according to existence of the user data. Further, in Applicant's claimed invention, a state of a mobile/base station can be transited through message transmission between RRCs or between a RRC and network transfer device. In Yano, however, the clock control part or power control part is only controlled by an existence of the user data.

Moreover, Yano does not teach, disclose or suggest Applicant's amended claim 1 limitations of

the network transfer device in the suspend state sending a message to the mobile/base station RRC to inform the mobile station RRC that it recognizes the request for data transmission in the case of recognizing the request for data transmission to an up link, and the network transfer device of the base station in the suspend state sending a message to the base station RRC to inform the mobile station RRC that it recognizes the request for data transmission in the case of recognizing the request for data transmission to a down link; ... and (d) the network transfer device transiting to the active state by the RRC transited to the active state.

Therefore, since Yano does not disclose, teach or suggest all of Applicant's amended claim 1 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(e) has not been adequately set forth relative to Yano. Thus, Applicant's amended claim 1 is not anticipated by Yano. Additionally, the claims that directly or indirectly depend on claim 1, namely claims 2-3, are also not anticipated by Yano for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(e) rejection for claims 1-3 is respectfully requested.

II. 35 U.S.C. § 103(a)

It is asserted in the Office Action that claims 4 and 5 are rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Yano in view of U. S. Publication No. 2001/807,235 issued to Baker ("Baker"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2142

[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

Further, according to MPEP §2143.03, "[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974))." "*All words in a claim must be considered in judging the patentability of that claim against the prior art.*" (In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), *emphasis added*.)

Applicant's claims 4-5 directly depend on amended claim 1. Applicant has addressed Yano above in section I regarding amended claim 1. As asserted above, Yano does not teach, disclose or suggest Applicant's amended claim 1 limitations of

the network transfer device in the suspend state sending a message to the mobile/base station RRC to inform the mobile station RRC that it recognizes the request for data transmission in the case of recognizing the request for data transmission to an up link, and the network transfer device of the base station in the suspend state sending a message to the base station RRC to inform the mobile station RRC that it recognizes the request for data transmission in the case of recognizing the request for data transmission to a down link; ... and (d) the network transfer device transiting to the active state by the RRC transited to the active state.

Baker discloses a system for providing wireless access to packet data networks. In particular, Baker discloses a wireless access integrated node (WAIN) that eliminates unnecessary intermediate protocols contained in multi-node hierarchical network architecture while preserving standard external interfaces. Further, Baker discloses that RCL and PDCP are used to transfer wireless data. Therefore, the general concept of Baker is distinguishable from Applicant's claimed invention. Moreover, Baker does not teach, disclose or suggest Applicant's amended claim 1 limitations of

the network transfer device in the suspend state sending a message to the mobile/base station RRC to inform the mobile station RRC that it recognizes the request for data transmission in the case of recognizing the request for data transmission to an up link, and the network transfer device of the base station in the suspend state sending a message to the base station RRC to inform the mobile station RRC that it recognizes the request for data transmission in the case of recognizing the request for data transmission to a down link; ... and (d) the network transfer device transiting to the active state by the RRC transited to the active state.

Thus, neither Yano, Baker, and therefore, nor the combination of the two, teach, disclose or suggest the limitations contained in Applicant's amended claim 1, as listed above. Since neither Yano, Baker, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's amended claim 1, Applicant's amended claim 1 is not obvious over Yano in view of Baker since a *prima facie* case of obviousness has not been met under MPEP

§2142. Additionally, the claims that directly depend from amended claim 1, namely claims 4-5, would also not be obvious over Yano in view of Baker for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claims 4 and 5 are respectfully requested.

CONCLUSION

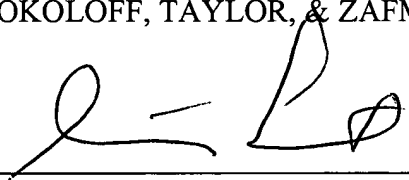
In view of the foregoing, it is submitted that claims 1-5 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: June 29, 2006

By: 
Steven Laut, Reg. No. 47,736

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on June 29, 2006.


Jean Svoboda